

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 8-2001, 8-2003, 8-2005, and 8-2006 as
6 follows:

7 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

8 Sec. 8-2001. Examination of records.

9 In this Section, "health care facility" or "facility" means
10 a public or private hospital, ambulatory surgical treatment
11 center, nursing home, independent practice association, or
12 physician hospital organization, or any other entity where
13 health care services are provided to any person. The term does
14 not include an organizational structure whose records are
15 subject to Section 8-2003.

16 Every private and public health care facility shall, upon
17 the request of any patient who has been treated in such health
18 care facility, or any person, entity, or organization
19 presenting a valid authorization for the release of records
20 signed by the patient or the patient's legally authorized
21 representative, permit the patient, his or her healthcare
22 practitioner ~~physician~~, authorized attorney, or any person,
23 entity, or organization presenting a valid authorization for
24 the release of records signed by the patient or the patient's
25 legally authorized representative to examine the health care
26 facility patient care records, including but not limited to the
27 history, bedside notes, charts, pictures and plates, kept in
28 connection with the treatment of such patient, and permit
29 copies of such records to be made by him or her or his or her
30 healthcare practitioner ~~physician~~ or authorized attorney. A
31 request for copies of the records shall be in writing and shall
32 be delivered to the administrator or manager of such health

1 care facility. The health care facility shall be reimbursed by
2 the person requesting copies of records at the time of such
3 copying for all reasonable expenses, including the costs of
4 independent copy service companies, incurred by the health care
5 facility in connection with such copying not to exceed a \$20
6 handling charge for processing the request for copies, and 75
7 cents per page for the first through 25th pages, 50 cents per
8 page for the 26th through 50th pages, and 25 cents per page for
9 all pages in excess of 50 (except that the charge shall not
10 exceed \$1.25 per page for any copies made from microfiche or
11 microfilm), and actual shipping costs. These rates shall be
12 automatically adjusted as set forth in Section 8-2006. The
13 health care facility may, however, charge for the reasonable
14 cost of all duplication of record material or information that
15 cannot routinely be copied or duplicated on a standard
16 commercial photocopy machine such as x-ray films or pictures.

17 The requirements of this Section shall be satisfied within
18 30 days of the receipt of a written request by a patient or by
19 his or her legally authorized representative, healthcare
20 practitioner ~~physician~~, authorized attorney, or any person,
21 entity, or organization presenting a valid authorization for
22 the release of records signed by the patient or the patient's
23 legally authorized representative. If the health care facility
24 needs more time to comply with the request, then within 30 days
25 after receiving the request, the facility must provide the
26 requesting party with a written statement of the reasons for
27 the delay and the date by which the requested information will
28 be provided. In any event, the facility must provide the
29 requested information no later than 60 days after receiving the
30 request.

31 A health care facility must provide the public with at
32 least 30 days prior notice of the closure of the facility. The
33 notice must include an explanation of how copies of the
34 facility's records may be accessed by patients. The notice may
35 be given by publication in a newspaper of general circulation
36 in the area in which the health care facility is located.

1 Failure to comply with the time limit requirement of this
2 Section shall subject the denying party to expenses and
3 reasonable attorneys' fees incurred in connection with any
4 court ordered enforcement of the provisions of this Section.

5 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

6 (735 ILCS 5/8-2003) (from Ch. 110, par. 8-2003)

7 Sec. 8-2003. Records of health care practitioners. In this
8 Section, "practitioner" means any health care practitioner,
9 including a physician, dentist, podiatrist, advanced practice
10 nurse, physician assistant, clinical psychologist, or clinical
11 social worker. The term includes a medical office, health care
12 clinic, health department, group practice, and any other
13 organizational structure for a licensed professional to
14 provide health care services. The term does not include a
15 health care facility as defined in Section 8-2001.

16 Every practitioner shall, upon the request of any patient
17 who has been treated by such practitioner, or any person,
18 entity, or organization presenting a valid authorization for
19 the release of records signed by the patient or the patient's
20 legally authorized representative, permit the patient and the
21 patient's practitioner or authorized attorney, or any person,
22 entity, or organization presenting a valid authorization for
23 the release of records signed by the patient or the patient's
24 legally authorized representative, to examine and copy the
25 patient's records, including but not limited to those relating
26 to the diagnosis, treatment, prognosis, history, charts,
27 pictures and plates, kept in connection with the treatment of
28 such patient. Such request for examining and copying of the
29 records shall be in writing and shall be delivered to such
30 practitioner. Such written request shall be complied with by
31 the practitioner within a reasonable time after receipt by him
32 or her at his or her office or any other place designated by
33 him or her.

34 The requirements of this Section shall be satisfied within
35 30 days of the receipt of a written request. If the

1 practitioner needs more time to comply with the request, then
2 within 30 days after receiving the request, the practitioner
3 must provide the requesting party with a written statement of
4 the reasons for the delay and the date by which the requested
5 information will be provided. In any event, the practitioner
6 must provide the requested information no later than 60 days
7 after receiving the request.

8 The practitioner shall be reimbursed by the person
9 requesting such records at the time of such copying, for all
10 reasonable expenses, including the costs of independent copy
11 service companies, incurred by the practitioner in connection
12 with such copying not to exceed a \$20 handling charge for
13 processing the request for copies, and 75 cents per page for
14 the first through 25th pages, 50 cents per page for the 26th
15 through 50th pages, and 25 cents per page for all pages in
16 excess of 50 (except that the charge shall not exceed \$1.25 per
17 page for any copies made from microfiche or microfilm), and
18 actual shipping costs. These rates shall be automatically
19 adjusted as set forth in Section 8-2006. The physician or other
20 practitioner may, however, charge for the reasonable cost of
21 all duplication of record material or information that cannot
22 routinely be copied or duplicated on a standard commercial
23 photocopy machine such as x-ray films or pictures.

24 A health care practitioner must provide the public with at
25 least 30 days prior notice of the closure of the practitioner's
26 practice. The notice must include an explanation of how copies
27 of the practitioner's records may be accessed by patients. The
28 notice may be given by publication in a newspaper of general
29 circulation in the area in which the health care practitioner's
30 practice is located.

31 Failure to comply with the time limit requirement of this
32 Section shall subject the denying party to expenses and
33 reasonable attorneys' fees incurred in connection with any
34 court ordered enforcement of the provisions of this Section.

35 (Source: P.A. 92-228, eff. 9-1-01; 93-87, eff. 7-2-03.)

1 (735 ILCS 5/8-2005)

2 Sec. 8-2005. Attorney's records. This Section applies only
3 if a client and his or her authorized attorney have complied
4 with all applicable legal requirements regarding examination
5 and copying of client files, including but not limited to
6 satisfaction of expenses and attorney retaining liens.

7 Upon the request of a client, an attorney shall permit the
8 client's authorized attorney, or any person, entity, or
9 organization presenting a valid authorization for the release
10 of records signed by the client or the client's legally
11 authorized representative, to examine and copy the records kept
12 by the attorney in connection with the representation of the
13 client, with the exception of attorney work product. The
14 request for examination and copying of the records shall be in
15 writing and shall be delivered to the attorney. Within a
16 reasonable time after the attorney receives the written
17 request, the attorney shall comply with the written request at
18 his or her office or any other place designated by him or her.
19 At the time of copying, the person requesting the records shall
20 reimburse the attorney for all reasonable expenses, including
21 the costs of independent copy service companies, incurred by
22 the attorney in connection with the copying not to exceed a \$20
23 handling charge for processing the request for copies, and 75
24 cents per page for the first through 25th pages, 50 cents per
25 page for the 26th through 50th pages, and 25 cents per page for
26 all pages in excess of 50 (except that the charge shall not
27 exceed \$1.25 per page for any copies made from microfiche or
28 microfilm), and actual shipping costs. These rates shall be
29 automatically adjusted as set forth in Section 8-2006. The
30 attorney may, however, charge for the reasonable cost of all
31 duplication of record material or information that cannot
32 routinely be copied or duplicated on a standard commercial
33 photocopy machine such as pictures.

34 An attorney shall satisfy the requirements of this Section
35 within 60 days after he or she receives a request from a client
36 or his or her authorized attorney. An attorney who fails to

1 comply with the time limit requirement of this Section shall be
2 required to pay expenses and reasonable attorney's fees
3 incurred in connection with any court-ordered enforcement of
4 the requirements of this Section.

5 (Source: P.A. 92-228, eff. 9-1-01.)

6 (735 ILCS 5/8-2006)

7 Sec. 8-2006. Copying fees; adjustment for inflation.
8 Beginning in 2003, every January 20, the copying fee limits
9 established in Sections 8-2001, 8-2003, ~~8-2004~~, and 8-2005
10 shall automatically be increased or decreased, as applicable,
11 by a percentage equal to the percentage change in the consumer
12 price index-u during the preceding 12-month calendar year.
13 "Consumer price index-u" means the index published by the
14 Bureau of Labor Statistics of the United States Department of
15 Labor that measures the average change in prices of goods and
16 services purchased by all urban consumers, United States city
17 average, all items, 1982-84 = 100. The new amount resulting
18 from each annual adjustment shall be determined by the
19 Comptroller and made available to the public on January 20 of
20 every year.

21 (Source: P.A. 92-228, eff. 9-1-01.)